

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DINEH BENALLY,

Plaintiff,

v.

No. CIV 13-0900 LAM/RHS

**ACTING NAVAJO REGIONAL
DIRECTOR, BUREAU OF INDIAN
AFFAIRS, INDIVIDUALLY AND
IN HIS CAPACITY AS DIRECTOR,**

Defendant.

ORDER QUASHING ORDER TO SHOW CAUSE

THIS MATTER is before the Court on its *Order to Show Cause* (Doc. 5), entered January 29, 2014, in which the Court ordered Plaintiff to either effect service on Defendant or provide the Court with a written explanation showing good cause why service has not been made. On February 13, 2014, Plaintiff filed his *Explanation on Service of Process and a Request for Extension of Time to Serve* (Doc. 6), stating that, on September 4, 2013, he served Defendant with a copy of the complaint by U.S. mail, and attaching a copy of a U.S. Postal Service Certified Mail Receipt. [Doc. 6 at 1 and 3]. Plaintiff asks the Court to not dismiss his complaint and to allow him time to effect service of process on Defendant. *Id.* at 2. The docket in this case shows that a summons was issued as to Defendant on February 13, 2014.

The Court notes that Plaintiff is proceeding *pro se* and that issuance of the summons on February 13, 2014 indicates that Plaintiff is taking steps toward properly serving Defendant. Therefore, the Court finds that Plaintiff's response is an adequate explanation of why service has not yet been made on Defendant, and the Court will quash its Order to Show Cause. The Court

will enter a separate order setting forth a deadline by which Plaintiff must effect service on Defendant.

IT IS THEREFORE ORDERED that the Court's *Order to Show Cause* (Doc. 5), is hereby **QUASHED**.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE